IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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DAVID DICARLO,

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on behalf of himself and all others similarly situated,

Plaintiff,

CIVIL ACTION

No.: 2:18-cv-00802-RBS

CASMOS CAFÉ, INC. d/b/a THE COUCH TOMATO,

Defendant.

STIPULATION OF DISCONTINUANCE

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys of record for the parties in the above entitled action, pursuant to Fed. R. Civ. P. 41(a)(1), that, the putative class having never been certified and defendant having never moved for summary judgment: (i) the claims asserted on behalf of Plaintiff David DiCarlo, individually, are hereby discontinued with prejudice; (ii) the class-action claims and allegations are hereby withdrawn and discontinued without prejudice; and (iii) each party shall bear its own costs and attorneys' fees.

Dated: November 13, 2018

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